HOUSE BUDGET & RESEARCH OFFICE (404) 656-5050
HOUSE COMMUNICATIONS

(404) 656-0305

TOMORROW'S FORECAST

- * The House will reconvene for its 26th Legislative Day on Thursday, February 28, at 10:00 AM.
- * 10 bills are expected to be debated on the floor.



GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT

Wednesday, February 27, 2013

25th Legislative Day

TODAY ON THE FLOOR

RULES CALENDAR

HB 141 - Kidnapping; certain businesses and establishments post a model notice to enable persons who are the subject of human trafficking to obtain help and services; require

- BILL SUMMARY: HB 141 requires certain businesses (bars, primary airports, bus stations, truck stops, etc) to post a national human trafficking hotline number. If an establishment fails to comply, law enforcement may notify them and allow 30 days for compliance, or the establishment is fined.
- Authored By: Rep. Edward Lindsey of the 54th
- House Committee: Judiciary Non-Civil
- Rule: Modified-Open
- Amendments(s): AM 39 0037, AM 21 3848
- Yeas: 171; Nays: 1

HB 187 - Controlled substances; date of incorporation of local ordinances by reference; change

- BILL SUMMARY: HB 187 allows the General Assembly to adopt and incorporate all drug-free commercial zones which have been adopted by local municipal or county ordinance and entered in the register of the Department of Community Affairs on or before July 1, 2013.
- Authored By: Rep. Pam Dickerson of the 113th
- House Committee: Judiciary Non-Civil
- Rule: Modified-Open - Yeas: 171; Navs: 2

HB 210 - Gasoline and aviation fuel; temporary suspension of the collection of taxes; provide legislative findings

- BILL SUMMARY: This legislation ratifies the Governor's Executive order from June 8, 2012, suspending the increase in prepaid state taxes on motor fuels until December 31, 2012.
- Authored By: Rep. Chad Nimmer of the 178th
- House Committee: Ways & Means
- Rule: Structured - Yeas: 165; Nays: 0

HB 226 - Solid waste management; tire transportation, storage, and disposal; revise certain requirements

- BILL SUMMARY: HB 226 requires a person who collects or transports any tires other than new tires to obtain a tire carrier permit issued by the Environmental Protection Division which he or she shall display on each vehicle used to collect or transport tires. This does not apply to a common carrier that collects tires exclusively from outside of Georgia. The bill also adds language that a person holding a tire carrier permit shall pay the EPD a nominal fee for each decal issued.

HB 226 also requires a person to obtain a scrap tire processing permit issued by the EPD prior to processing scrap tires. "Processing scrap tires" means "any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires for beneficial use."

The bill also amends who is exempted from this code section by exempting private individuals transporting no more than ten of his or her own tires, or a private individual transporting more than ten tires if he or she can provide proof of purchase with receipt of the tires. The section also does not apply to a tire retailer transporting its own used tires if the dealer can provide proof of purchase with receipt for all of the used tires being transported, as well as a document verifying the origin, route, and destination of the used tires. The section also does not apply to anyone transporting tires collected as part of an organized site cleanup activity.

The bill also lowers the number of scrap tires a person can store in Georgia from one hundred to twenty-five. This does not apply to tire retailers with no more than 1,500 scrap tires in storage, or tire retreaders with no more than 3,000 scrap tires in storage so long as the retreader is actively retreading. The amendment also does not apply to a licensed used motor vehicle parts dealer or registered secondary metals recycler with no more than 500 scrap tires in storage. It also does not apply to a scrap tire processor approved by the division so long as the number of scrap tires in storage does not exceed the quantity approved by EPD if all of the scrap tires are secured in a locked enclosure or are otherwise adequately secured in a manner suitable to prevent unauthorized access. The EPD, however, may grant a waiver of the enclosure requirement if the person requesting the waiver can definitively show a significant and unique economic hardship which impairs his or her ability to continue operating his or her business.

The bill also changes the amount of the surety bond provided to the director by a scrap tire carrier or scrap tire processor prior to issuance of a permit to ensure compliance with these provisions to not less than \$10,000 and not greater than \$20,000.

The bill also changes the effective date to January 1, 2013.

- Authored By: Rep. Randy Nix of the 69th

- House Committee: Natural Resources & Environment

- Rule: Modified-Structured- Yeas: 139; Nays: 33

HB 252 - Athens-Clarke County; chief magistrate judge; provide nonpartisan elections

- BILL SUMMARY: A Bill to provide for the nonpartisan election of the Chief Magistrate Judge of the Magistrate Court of Athens/Clarke County.

- Authored By: Rep. Regina Quick of the 117th

- House Committee: Intragovernmental Coordination

- Rule: Modified-Open - Yeas: 150; Nays: 23

HB 302 - Controlled substances; substances included under Schedule I and III; add

- BILL SUMMARY: HB 302 is the annual drug update bill by the Board of Pharmacy moving new and existing drugs into different classes.

- Authored By: Rep. Bruce Broadrick of the 4th

- House Committee: Judiciary Non-Civil

- Rule: Modified-Structured

- Yeas: 169; Nays: 1

HB 315 - Nurses; continuing competency requirements as requirement for license renewal; provide

- BILL SUMMARY: House Bill 315 provides continuing competency requirements for nurses. Beginning in the 2016 license renewal cycle, applicants must satisfy one of the following continuing competency requirements.

- 1.) 30 hours of continuing education hours.
- 2.) Maintenance or certification by a national certifying body.
- 3.) Completion of an academic program of study in nursing.
- 4.) Verification of competency by a health care facility in which the nurse practiced 500 hours.
- 5.) Other activities as prescribed and approved by the board.

A non-practicing nurse may request that their license be placed on inactive status. To restore an inactive license, the licensee must submit an application, pay a fee, and provide evidence of competency to resume practice.

- Authored By: Rep. Sharon Cooper of the 43rd

- House Committee: Health & Human Services

Rule: Modified-StructuredAmendments(s): N/AYeas: 172; Nays: 2

HB 328 - Lowndes County; nonpartisan nomination and election of judge of Probate Court; provide

- BILL SUMMARY: A Bill to provide for the nonpartisan election of the judge of the Probate Court of Lowndes County.
- Authored By: Rep. Amy Carter of the 175th
- House Committee: Intragovernmental Coordination
- Rule: Modified-Open- Yeas: 144; Nays: 22

HB 329 - Lowndes County; judge of Small Claims Court shall be magistrate judge elected on nonpartisan basis; provide

- BILL SUMMARY: A Bill to provide for the nonpartisan election of the magistrate judge of the Small Claims Court for Lowndes County.
- Authored By: Rep. Amy Carter of the 175th
- House Committee: Intragovernmental Coordination
- Rule: Modified-Open - Yeas: 133; Nays: 29

HB 336 - Civil practice; tort claims arising out of use of motor vehicles; provide for certain pre-suit settlement offers

- BILL SUMMARY: HB 336, also known as the "bad faith legislation," sets forth the guidelines for information which must be included in an offer to settle a personal injury or death claim arising from a motor vehicle accident.
- Authored By: Rep. Jay Powell of the 171st
- House Committee: Judiciary- Rule: Modified-Structured
- Yeas: 163; Nays: 0

HB 384 - Transportation, Department of; local governing authority designating public streets or portions thereof for combined use of motorized carts and regular vehicle traffic; modify provisions

- BILL SUMMARY: This bill would require each local governing authority allowing motorized carts upon public streets within its jurisdiction to erect signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the corporate limits of the municipality or boundaries of the county. Signs shall be at least 24 by 30 inches in area and shall warn approaching motorists that motorized carts are authorized for use on public streets. Without the posting of required signs, the ordinances establishing operating standards for motorized carts are not effective.
- Authored By: Rep. Jay Roberts of the 155th
- House Committee: Transportation
- Rule: Modified-Open - Yeas: 166; Nays: 6

HR 205 - Property; conveyance of certain state owned real property; authorize

- BILL SUMMARY: HR 205 is a conveyance resolution for property located in sixteen counties, conveying property owned by the State of Georgia or amending those conveyances, as follows:

Article I conveys property in Baldwin County, a portion of the Georgia Veterans Cemetery in Milledgeville and under the custody of the Department of Veterans Services, to the Georgia Department of Transportation to be used for the Fall Line Freeway Stage 2 project.

Article II conveys property in Ben Hill County, the former site of the Bainbridge Armory and currently under the custody of the Georgia Department of Defense, to the City of Fitzgerald to be used by the Ben Hill County Board of Education, for the amount of the remaining general obligation bonds.

Article III conveys property in Bibb County, the former site of the Army National Guard Macon Field Mechanics Service and currently under the custody of the Georgia Department of Defense, to Bibb County, on behalf of the Bibb County Board of Education.

Article IV conveys property in Bibb County, the former site of the Macon Regional Youth Detention Center and currently under the custody of the Georgia Department of Juvenile Justice, to the State Properties Commission to offer for competitive bid or to a local government or state entity.

Article V conveys property in Butts County, a portion of the Georgia Diagnostic and Classification Prison currently under the custody of the Department of Corrections, to the Georgia Department of Transportation to be used for the State Route 26 road

widening project, for \$10.00.

Article VI conveys, by quitclaim deed, an 861 acre portion of the Tronox property, located in Chatham County. The property, which is listed on the Georgia hazardous site inventory as a Superfund site, is being conveyed for environmental cleanup.

Article VII conveys property in Chattooga County, the site of the former Northwest Regional Crime Lab and currently under the custody of the Georgia Bureau of Investigations, to the State Properties Commission to offer for competitive bid or to a local government or state entity.

Article VIII conveys property located in Crawford County, currently under the custody of the Department of Natural Resources, to the Department of Transportation to be used for the bridge replacement project on State Route 128 above the Flint River, for fair market value including cost to cure any damages.

Article IX conveys property in Floyd County, the site of the former Talmage Gym located on the Cave Spring Georgia School for the Deaf campus and currently under the custody of the Georgia Department of Education, to the State Properties Commission to offer for competitive bid or to a local government or state entity.

Article X conveys property in McDuffie County, formerly the site of the Georgia State Patrol Hangar in Thomson and currently under the custody of the Department of Public Safety, jointly to the City of Thomson and McDuffie County.

Article XI conveys property in Mitchell County, formerly used as the Pelham Probation and Detention Center and under the custody of the Department of Corrections, to the State Properties Commission to offer by competitive bid or to a local government or state entity.

Article XII places restrictive covenants on property in Paulding County. The United States Department of Army Corps of Engineers provided funding for stream mitigation for a 110 acre portion of the 1,051 acre tract purchased from the Howell family in June, 2012. To meet requirements for the in-lieu funding a Declaration of Conservation Covenants and Restrictions must be placed on the 110 acres. The property remains in custody of the Department of Natural Resources.

Article XIII conveys land in Putnam County that was formerly the Putnam State Prison and currently under the custody of the Department of Corrections to the State Properties Commission to the City of Eatonton for \$10.00 or to offer for competitive bid or to a local government or state entity.

Article XIV conveys property in Richmond County that is currently a portion of the East Central Regional Hospital and under the custody of the Georgia Department of Behavioral Health and Developmental Disabilities to the Georgia Department of Transportation to be used for making traffic operation improvements for \$10.00.

Article XV conveys property in Richmond County, formerly used as the Augusta Alcohol and Drug Rehabilitation Center and under the custody of the Department of Juvenile Justice, to the State Properties Commission to offer by competitive bid or to a local government or state entity.

Article XVI conveys property in Spalding County, formerly used as the Griffin Regional Youth Development Center and under the custody of the Department of Juvenile Justice, to the State Properties Commission to offer by competitive bid or to a local government or state entity.

Article XVII conveys property in Tattnal County. The Georgia Department of Corrections and Stanley Farms, LLC have reached an agreement for an exchange of properties located on Harley Road and adjoining the Georgia State Prison in Reidsville. The state will convey two properties, 10.62 acres and 210 acres, to Stanley Farms, LLC in exchange for a 19.063 acre property and \$257,000.

Article XVIII conveys property in Wilkes County, formerly known as the Wilkes County Unit and under the custody of the State Forestry Commission to Wilkes County for \$10.00 or to offer for competitive bid or to a local government or state entity.

- Authored By: Rep. Jay Neal of the 2nd
- House Committee: State Properties
- Rule: Modified-Structured
- Yeas: 174; Nays: 0

* The House will reconvene Thursday, February 28, at 10:00 AM, for its 26th Legislative Day.

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 26th Legislative Day, Thursday, February 28, and bills may be called at the pleasure of the Speaker.

NEXT ON THE FLOOR

HB 155 - Game and fish; licensing and operation of shooting preserves; revise provisions

- BILL SUMMARY: HB 155 by Committee Sub (LC 40 0287S)

Section 1

Title 27 is amended by revising Article 4 of Chapter 3.

27-3-110

(a), A blanket commercial license is no longer included as permissible for releasing pen raised game birds.

27-3-110

- (c-1), The land to compromise the preserve must consist of not more than 1,000 acres and not less than 100 contiguous acres and must be owned or leased by the applicant.
- (c-2), The boundary lines of the premises must be market by signs indicating that they are the boundary line signs, and that the premises are posted as against trespassing.
- (c-3)(a), As a condition of holding a shooting preserve license, the owner or his or her lessee or agent, shall, prior to allowing anyone to hunt on such shooting preserve will confirm that such person has completed a hunter education course.
- (c-3)(b), If a hunter education course isn't verified, education instruction will be provided that, at a minimum, demonstrates techniques for proper firearm handling, unloading, and safety.

27-3-111

- (a), Any pen raised game bird that is removed from a shooting preserve must be accompanied by the contact information of the preserve from which it was taken.
- (c), The department must be allowed to access records of all pen raised game birds propagated, released or taken on the preserve during all regular business hours.
- (d), The licensee must notify the department within 24 hours of the diagnosis of any epizootic disease of any pen raised game bird on the preserve.

27-3-112

(a), Ring-necked pheasants are allowed to be hunted between October 1 and March 31 of the following year, unlike other pen raised game birds, except for one half hour before sunrise or sunset.

27-3-113

No one shall have or release on any shooting preserve, any wildlife or wild animal except pen raised game birds, unless the person has received prior written approval form the department.

27-3-114

- (a), is amended to include fishing in any private or state waters within the boundaries of a preserve.
- (b), The requirements of subsection (b) of Code Section 27-2-5 shall not apply to any person hunting pen raised game birds on a proper shooting reserve as long as the individual has completed hunter education requirements.

27-3-115

(a-c), The department is authorized to enter into agreements with properly licensed shooting preserves for the purpose of issuing and selling shooting preserve hunting licenses. The department shall not disclose any shooting preserve hunting license record, which reveals the name, home address, home telephone number, or social security number, without written consent from the owner or lessee of the shooting preserve.

Section 2

Paragraph (48) of section 27-1-2 is revised by stating the definition of 'Pen raised game bird'. The definition is any bobwhite quail, chukar or red-legged partridge, coturnix or Japanese quail, ring-necked pheasant, mallard duck, or black duck.

Section 3

Code Section 27-2-3.1 is amended by revising paragraph (1) of subsection (f) to state that lifetime shooting preserve licenses, available to any individual, resident or nonresident, which entitles the holder to hunt pen raised game birds and fish in any

private or state waters within the boundaries of a properly licensed shooting preserve is \$75.00.

Section 5

Subsection (b) of Code Section 12-2-1 is revised to state that any resident owner of any vessel properly numbered in accordance with Code Section 52-7-5 may hunt and fish on his or her date of birth and up to two consecutive days thereafter in accordance with the requirements of this title and as otherwise specified by the department.

This will allow registered boat owners to hunt and fish without a license on these days.

- Authored By: Rep. David Knight of the 130th

House Committee: Game, Fish, & Parks
 House Committee Passed: 2/12/2013

- Rule: Modified-Open

HB 156 - Electronic pornography; certain acts amounting to unlawfully seducing or enticing a child through use of computer online service; clarify

- BILL SUMMARY: HB 156 fills a gap in the Code whereby any person having custody or control of a child who is solicited online for the sexual exploitation of that child will be held criminally liable.
- Authored By: Rep. Jay Neal of the 2nd
- House Committee: Judiciary Non-Civil
- House Committee Passed: 2/25/2013
- Rule: Modified-Structured

HB 242 - Juvenile proceedings; substantially revise, supersede, and modernize provisions

- BILL SUMMARY: Overview

In 2012, Governor Nathan Deal reappointed the Special Council on Criminal Justice Reform ("Council"). He tasked them with studying the state's juvenile justice system and coming up with ways to improve public safety and decrease costs. HB 242, the Juvenile Justice Reform bill, substantially, revises, supersedes and modernizes provisions relating to juvenile proceedings and enacts comprehensive juvenile justice reforms recommended by the Council.

Article 1 - General Provisions

Article 1 provides general definitions and principles that would apply in all juvenile court code proceedings. Specifically, Article 1:

- Provides clear definitions of key terms, including:

Abuse. The current juvenile court provisions do not include a definition of abuse. HB 242 defines abuse to include emotional abuse and prenatal abuse, in addition to physical abuse and sexual abuse and exploitation.

- Child in Need of Services. This definition would create a new designation to take the place of what is currently called an "unruly" child. Detailed provisions related to this new designation are found in Article 5.
- Class A and Class B Felonies. HB 242 proposes to revise the state's 32-year-old juvenile Designated Felony Act. "Class A" and less serious "Class B" structure that would give juvenile court judges greater latitude than they have today, especially in sentencing.
- Dependency. Currently, Georgia uses the term "deprivation" to describe cases where the court intervenes to protect children from abuse and neglect. HB 242 changes this term to "dependency," which is the term used in all other states for these cases.
- Party. This definition clarifies that children are parties to juvenile court proceedings involving their interests.
- Requires that, whenever possible, the same judge should preside over all proceedings involving a particular child or family.
- Provides jurisdiction for juvenile courts to review the services being offered to children who stay in foster care after they turn 18.
- Clarifies how time should be calculated for purposes of time-limited provisions.
- Allows the court to consolidate proceedings if the same child is alleged to be both deprived and delinquent or in need of services
- Clarifies that a child, as a party, has a right to be present during juvenile court proceedings involving him or her, but allows the court to exclude the child from any part of the proceeding that the court finds is not in the child's best interest to attend.
- Allows the court to refer cases for mediation if appropriate, and provides procedural guidance.
- Outlines factors the court should consider when evaluating the best interests of a child. These factors have been aligned as closely as possible with similar factors in the domestic relations section of the Georgia Code, while still respecting the uniqueness of the cases facing juvenile courts.
- Protects children from having statements they make in court-related physical or mental health screenings, evaluations or treatment from being used against them at the adjudicatory phase of any proceeding except for impeachment or rebuttal, but allows courts to consider those statements in determining the child's placement or other dispositional matters.
- Clarifies the applicability of privacy laws in the juvenile court system, and outlines the steps required for access to

different types of information.

Article 2 - Juvenile Court Administration

Article 2 governs the creation and administration of juvenile courts and the appointment of judges. Article 2 would reorganize existing provisions and make minor stylistic revisions. It contains very few substantive changes from current law, which are that it:

- Adds the Department of Juvenile Justice to agencies whose records the Council of Juvenile Court Judges is authorized to inspect for the purposes of compiling statistical data on children.
- Requires juvenile court judges to complete at least 12 hours per year of continuing education established or approved by the Council of Juvenile Court Judges.
- Requires anyone appointed as a pro tempore judge to have the same qualifications as other juvenile court judges.
- Requires the clerk of each juvenile court to collect data for each child in need of services, delinquent child, and child accused of a class A or B designated felony act and to supply that data to DJJ.
- Clarifies that the Department of Juvenile Justice retains authority over the duties and responsibilities of their employees who serve as probation and intake officers, and that these duties cannot include things that could be construed as the practice of law.
- Allows the probation officer to place a juvenile on unsupervised probation if appropriate unless otherwise ordered by the court.

Article 3 – Dependency

Article 3 relates to cases involving children who have been abused or neglected by the adults responsible for their well-being. HB 242 would rename what are currently known in Georgia as "deprivation" cases because the children are considered to have been deprived of proper care, to stress the child's relationship with the court and provide consistency with national standards. Article 3 reorganizes current law, and makes the following changes:

- Clarifies the purpose of dependency proceedings, stressing timeliness, permanency and protection.
- Allows child abuse and neglect investigators to request court-ordered physical or psychological evaluations of children or their parents. Courts are to review these requests using a probable cause standard.
- Changes the name of 72-hour hearing in dependency cases to the "preliminary protective hearing."
- Consolidates provisions related to the timeframes in which different steps in a dependency case must occur into one code section for ease of reference.
- Shortens the timeline for holding a permanency planning hearing for children under the age of seven. Currently, all children are on the same timeline, which requires a permanency hearing within twelve months after their entry into foster care. HB 242 would leave this timeline in place for children aged seven and older, but shorten it to within nine months for younger children and the siblings of younger children.
- Clarifies that a child in any dependency cases is entitled to an attorneys and a guardian ad litem, and that the same person can be appointed in both capacities unless or until a conflict arises between an attorney's duties to the child as client and the attorney's considered opinion of the child's best interests. The child's right to an attorney cannot be waived.
- Stresses the important role a Court Appointed Special Advocate (CASA) can play, and that appointment of a CASA may be appropriate even if the child's attorney is also serving as guardian ad litem.
- Provides specific guidance for attorneys and courts regarding when deviations from case timelines may be requested and granted. These deviations, known as "continuances," must be for good cause and may not be granted simply because the parties agree or because a later time would be more convenient. The court must always consider the child's interests, giving particular weight to the child's need for prompt resolution and stability.
- Creates a presumption that visitation between a child and his or her parents or other relatives should be unsupervised, unless the court finds that unsupervised visitation is not in the child's best interests.
- Allows the court to issue an oral or electronic order for the removal of a child from his or her home. When this occurs, an affidavit containing supporting evidence must be submitted to court the next business day and the court must issue a written order.
- Emphasizes that siblings who are taken into the state's care should be kept together whenever possible.
- Clarifies the rules governing the gathering of information related to a case, known as "discovery." SB 242 provides clear guidelines about which common evidence in a dependency case must be given to another party upon request, and which requires consent or a court order. Requested information must be provided within five days or by 72 hours before the hearing, to accommodate the quick pace of proceedings in juvenile court. The court has discretion to prevent disclosure of evidence that may be harmful, and to sanction parties who fail to comply with discovery rules.
- Describes content that should be included in social study reports, stressing the need for information about children's relationships with their siblings and extended family and consideration of how these relationships can best be maintained.
- Outlines the requirements for case plans.
- Clarifies that DFCS must show they have made reasonable efforts to preserve or reunite the family or to find another permanent home for the child at every hearing, and provides factors for the court to consider in determining whether reasona
- Authored By: Rep. Wendell Willard of the 51st
- House Committee: Judiciary
- House Committee Passed: 2/19/2013
- Rule: Modified-Structured

HB 244 - Elementary and secondary education; annual performance evaluations; revise certain provisions

- BILL SUMMARY: House Bill 244 revises certain provisions relating to annual performance evaluations. It provides for the development of an evaluation system, no later than the 2014-2015 school year, for teachers, assistant principals and principals. This bill lists the evaluation measures as well as a rating system the State Board of Education shall adopt.

- **Authored By:** Rep. Randy Nix of the 69th

- House Committee: Education

- House Committee Passed: 2/19/2013

- Rule: Modified-Structured

HB 283 - Education; update and revise terminology; provisions

- BILL SUMMARY: House Bill 283 amends Title 20 of the O.C.G.A. relating to education. It implements recommendations from the Education Finance Study Commission, renames vocational to career technical and agriculture, removes obsolete No Child Left Behind language, renames commission charter schools to state charter schools, clarifies that Charter Advisory Commission is only for charter systems, implements budget savings for charter systems, cleanup to Online Clearinghouse and implements request by governor's office to set up a non-profit for Office of Student Achievement.

- Authored By: Rep. Brooks Coleman of the 97th

- House Committee: Education

- House Committee Passed: 2/19/2013

- Rule: Modified-Structured

HB 293 - Tuition equalization grants; private colleges and universities; nursing; provisions

- BILL SUMMARY: HB 293 amends O.C.G.A. 20-3-411(2)(B) relating to approved schools for tuition equalization grants at private colleges and universities by adding a division that states that a proprietary institution offering a course of study in nursing and is otherwise qualified pursuant to the subparagraph except for having not been in existence in Georgia for a period of at least ten years as of January 1, 2011, shall be an approved school so long as it is a wholly owned subsidiary of a corporation that operates a proprietary institution of higher education in Georgia, either directly or through a wholly owned subsidiary corporation, and is a qualified proprietary institution of higher education under this subparagraph.

- Authored By: Rep. Carl Rogers of the 29th

- House Committee: Higher Education - House Committee Passed: 2/19/2013

- Rule: Modified-Structured

HB 324 - Georgia Student Finance Commission; board of commissioners; Georgia Student Finance Authority; board of directors; verification of lawful presence; provide exemptions

- BILL SUMMARY: House Bill 324 amends O.C.G.A. 50-36-2, which relates to requirements, procedures, and conditions for verification of lawful presence within the United States, by stating that the board of commissioners of the Georgia Student Finance Commission, and the board of directors of the Georgia Student Finance Authority shall set forth policies, regulations, or both regarding postsecondary benefits that comply with federal law.

- Authored By: Rep. Matt Dollar of the 45th

House Committee: Higher Education
 House Committee Passed: 2/26/2013

- Rule: Modified-Open

HB 327 - Flexibility and Accountability Act for Student Achievement; enact

- BILL SUMMARY: House Bill 327 enacts the "Flexibility and Accountability Act for Student Achievement." This bill would categorize each school system as a Category 1, Category 2 or Category 3 school system. This should help form a more cohesive state-wide flexibility and accountability structure.

- Authored By: Rep. Brooks Coleman of the 97th

- House Committee: Education

- House Committee Passed: 2/26/2013

- Rule: Modified-Structured

HR 274 - Department of Army; consider socioeconomic impact the Programmatic Environmental Assessment for Army 2020 Force Restructuring will have on Fort Benning, Georgia; request

- BILL SUMMARY: HR 274 is a resolution that asks the Department of the Army to carefully examine the socioeconomic consequences of the Programmatic Environmental Assessment (PEA) for the of the Army 2020 Force Restructuring as it relates to Fort Benning and its surrounding environment. This resolution points out that the Department of Defense, Department of the Army, and federal, state, and local governments have all made several considerable investments to the Fort and its outlying areas. The resolution describes the economic loss to the area in terms of sales, income, and employment that the region would

suffer as a result of the Programmatic Environmental Assessment (PEA) for the of the Army 2020 Force Restructuring.

- Authored By: Rep. Richard Smith of the 134th- House Committee: Defense & Veterans Affairs

- House Committee Passed: 2/21/2013

- Rule: Modified-Open

HR 281 - Tift County; named in honor of the late Henry Harding Tift; provide

- BILL SUMMARY: HR 281 is a resolution providing that Tift County be so named in honor of the late Henry Harding Tift.

- Authored By: Rep. Jay Roberts of the 155th
 - House Committee: Governmental Affairs
 - House Committee Passed: 2/21/2013

- Rule: Modified-Open

* The Rules Committee will next meet on Thursday, February 28, at 9:00 AM, to set the Rules Calendar for the 27th Legislative Day.

COMMITTEE ACTION REPORT

Agriculture & Consumer Affairs

HB 268 - Agricultural products dealers; cotton and eggs from definition of "agricultural products"; remove

- BILL SUMMARY: Section 1

The substitute bill, (LC 40 0336S) amends several code sections in Title 2 and one in Title 43. Code Section 2-9-1 is amended by revising definitions of agricultural products to include eggs. The definition of dealer in agricultural products is modernized to include the words 'or her' in the definition.

Section 2

The bill revises Code Section 2-9-4 relating to licenses for dealers in agricultural products to provide that an annual fee not to exceed \$400.00 shall be required before a license is issued, and such license shall be valid until revoked or suspended as provided in this article or until the annual license renewal fee is unpaid.

Section 3

The bill further amends Code Section 2-9-5 to provide that the bond shall be equal to the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the applicant; provided however, that the minimum amount of such bond shall be \$10,000.00 and the maximum amount of such bond shall be \$230,000.00; provided that in the case of pecans, such bond shall not exceed \$500,000.00.

Also adds new language to provide that if a bond of a dealer is canceled, the license of such person shall be immediately revoked by operation of law and without notice or hearing and such person shall be ineligible to reapply for such license for a period of four years after such revocation.

Section 4

The substitute provides for new language in Section 4 which provides for exclusions: 1.) Farmers or groups of farmers in the sale of agricultural products grown by themselves; 2.) Persons who buy for cash, paying at the time of purchase in U.S. currency, certified check, cashier's check, or the equivalent; or 3.) Holders of food sales establishment licenses issued pursuant to Article 2 of Chapter2 of Title 26, the 'Georgia Food Act,' who conduct no business at the wholesale level and who have fewer than ten employees.

(b) No warehouse that is in full compliance with the provisions of Article 1 of Chapter 4 of title 10 shall be required to obtain a license or maintain a surety bond under this article.

Section 5

The bill revises the definition of grain to include but not limited to wheat, corn, oats, barley, rye field peas, soybeans, clover and grain sorghum. The term does not include grain which has been produced or packaged for purchase or distribution as seed. The definition of grain dealer has been modernized to include the words 'or her'.

Section 6

The legislation amends the surety bond maximum amount from \$150,000.00 to \$300,000.00.

Section 7

Repeals chapter 31 of Title 43 relating to pecan dealers and processors and designates said chapter as reserved.

Section 8

All laws and parts of laws in conflict with this Act are repealed.

- Authored By: Rep. Buddy Harden of the 148th
- Committee Action: Do Pass by Committee Substitute

Agriculture & Consumer Affairs

HB 297 - State wild flower; designate the native azalea

- BILL SUMMARY: The bill amends Code Section 50-3-54 to designate the native azalea (Rhododendron sp.) as the Georgia state wild flower.
- Authored By: Rep. Debbie Buckner of the 137th
- Committee Action: Do Pass

Agriculture & Consumer Affairs

HB 298 - Agricultural Commodity Commission for Georgia Grown Products; create

- BILL SUMMARY: The bill amends Chapter 8 of Title 2 of the O.C.G.A. relating to agricultural commodities promotion, to create the Agricultural Commodity Commission for Georgia Grown Products, to provide for the operation and the function of the commodity commission and for other purposes.
- Authored By: Rep. Robert Dickey of the 140th
- Committee Action: Do Pass by Committee Substitute

Agriculture & Consumer Affairs

SB 81 - Forest Resources; shorten the legal season for harvesting ginseng

- BILL SUMMARY: Section 1

The bill shortens the harvesting season for ginseng from September 1 to December 31, instead of August 15 to December 31.

Section 2

This Act shall become effective upon its approval by the Governor or upon its becoming law with out such approval.

Section 3

All laws and parts of laws in conflict with this Act are repealed.

- Authored By: Sen. John Wilkinson of the 50th
- Committee Action: Do Pass

Budget and Fiscal Affairs Oversight

HB 454 - Budget report; require certain items to be included in tax expenditure review

- BILL SUMMARY: House Bill 454 allows for the following analysis to be included in the tax expenditure review report when available: a detailed description of the expenditure, a review of intended Legislative purpose, effect on the administration of the tax system and entities benefiting from the expenditure.
- Authored By: Rep. Chuck Martin of the 49th
- Committee Action: Do Pass

Health & Human Services

HB 240 - Medicaid and PeachCare for Kids; certain speech-language pathology; require reimbursement

- BILL SUMMARY: House Bill 240 requires Medicaid and PeachCare for Kids to reimburse services provided by speech-language pathologists who are clinical fellows licensed by the State Board of Examiners for Speech-Language Pathology and Audiology.
- Authored By: Rep. John Carson of the 46th
- Committee Action: Do Pass

Health & Human Services

HB 332 - Georgia Board of Nursing; reconstitute; provisions

- BILL SUMMARY: House Bill 332 reconstitutes the Georgia Board of Nursing. This bill states that in the event that a board member changes employment which conflicts with this code section, the position will be immediately vacant. The board will consist of 13 members appointed by the Governor and confirmed by the Senate. The new board must consist of two registered nursing educators, one practical nursing educator, two registered nurses employed in nursing service administration, one registered nurse employed in nursing home administration or nursing service administration, two advanced practice nurses, one additional registered nurse, three licensed practical nurses, and one consumer member. The bill also eliminates the Georgia Board of Examiners of Licensed Practical Nurses.
- Authored By: Rep. Bruce Williamson of the 115th
- Committee Action: Do Pass by Committee Substitute

Health & Human Services

HB 461 - Assistance; single administrator for dental services for Medicaid recipients and PeachCare for Kids participants; provide

- BILL SUMMARY: House Bill 461 requires the Department of Community Health to bid out and select a single dental services administrator for participants in PeachCare for Kids following the expiration or termination of current contracts.
- Authored By: Rep. Carl Rogers of the 29th
- Committee Action: Do Pass

Health & Human Services

HR 502 - Joint Study Committee on Mental Health and School Violence; create

- BILL SUMMARY: House Resolution 502 creates the Joint Study Committee on Mental Health and School Violence.
- Authored By: Rep. Kevin Tanner of the 9th
- Committee Action: Do Pass by Committee Substitute

Industry and Labor

HB 361 - Labor organizations membership; provide for definitions; provisions

- BILL SUMMARY: HB 361 reiterates that Georgia is a "right to work" state. It provides that no employer shall deduct from the wages or other earnings of any employee any fee assessment, or other sum of money whatsoever to be held for or to be paid over to a labor organization except on the annual written authorization from the employee which shall not exceed a period greater than one year. Such authorization may be revoked at any time at the request of the employee.
- Authored By: Rep. Edward Lindsey of the 54th
- Committee Action: Do Pass by Committee Substitute

Insurance

HB 229 - Insurance; removing the insurer annual publication requirement; provide

- BILL SUMMARY: HB 229 removes the annual financial statement publication requirement for insurance companies and provides that the Commissioner shall provide on the department's website a financial summary position of each insurer.
- Authored By: Rep. Sam Teasley of the 37th
- Committee Action: Do Pass by Committee Substitute

Insurance

HB 375 - Insurance; cancellations under certain circumstances relating to policy terms that permit an audit or rate investigation and noncompliance by insured; provide

- BILL SUMMARY: HB 375 provides that if the terms of a business insurance policy permit an audit or rate investigation and the insured fails to submit to or allow an audit or rate investigation for the current or most recently expired term, the insurer may, after notification of potential cancellation, send written notice to the insured at least ten days prior to the effective date of cancellation in lieu of the number of days' notice otherwise required by law. No cancellation notice shall be mailed within 20 days of the first documented effort to notify the policyholder of potential cancellation.
- Authored By: Rep. Bruce Williamson of the 115th
- Committee Action: Do Pass by Committee Substitute

Insurance

HB 389 - Insurance; provide conversion and enhanced conversion rights and coverage; sunset requirements

- BILL SUMMARY: HB 389 provides that upon the effective date of to the federal Patient Protection and Affordable Care Act (ACA), an insurer shall not be required to offer conversion and enhanced conversion rights and coverage. Each insurer may terminate, cancel, or nonrenew all existing conversion and enhanced conversion coverage as of this date, provided that the insurer provides at least 90 days' notice prior to the discontinuance of the coverage to policyholders and to the Commissioner.

Finally, as of the ACA effective date, health insurers or managed care organizations shall not be required to offer health care policies under the Georgia Health Insurance Assignment System and Georgia Health Benefits Assignment System. Said insurer may terminate any existing policy provided that they provide at least 90 days notice to the insured and the Commissioner. An insurer may not terminate, cancel, or nonrenew any policy under this paragraph if, at the end of the 90 day cancellation period, the insured would not have at least 90 days of remaining open enrollment to obtain insurance coverage through an ACA exchange.

- Authored By: Rep. Darlene Taylor of the 173rd

- Committee Action: Do Pass

Insurance

HB 395 - Georgia New Markets Jobs Act; enact

- BILL SUMMARY: HB 395 establishes the "Georgia New Markets Jobs Act". It allows insurance companies to earn credits against the premium taxes they pay for making capitol or equity investments in "Qualified active low-income community business". These businesses are defined within the bill as well as the IRS code.
- Authored By: Rep. Jason Shaw of the 176th
- Committee Action: Do Pass by Committee Substitute

Insurance

HB 458 - Condominiums; maximum allowable casualty insurance deductible imposed by associations; change

- BILL SUMMARY: HB $4\bar{5}8$ changes the maximum allowable casualty insurance deductible imposed by condominium associations on condominium unit owners from \$2,500 to \$5,000.
- Authored By: Rep. Alex Atwood of the 179th
- Committee Action: Do Pass

Insurance

HR 389 - Affordable Care Act; \$100 billion federal sales tax on health insurance; request repeal

- BILL SUMMARY: HR 389 is a resolution requesting Congress to repeal the \$100 billion federal sales tax on health insurance imposed by the Affordable Care Act.
- Authored By: Rep. Alex Atwood of the 179th
- Committee Action: Do Pass

Intragovernmental Coordination

HB 443 - Fulton County Magistrate Court; successor to chief judge currently serving shall be appointed by Governor; provide

- BILL SUMMARY: A Bill to provide that the successor to the chief magistrate judge of the Magistrate Court of Fulton County currently serving shall be appointed by the Governor, to provide that after one four-year term, the chief magistrate shall be elected in nonpartisan elections, to provide for the appointment of magistrates, to provide for the assignment of responsibilities, and to provide for the filling of vacancies.
- Authored By: Rep. Wendell Willard of the 51st
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 432 - Appling County; Board of Education; change description of districts

- BILL SUMMARY: A Bill to reapportion the Appling County Board of Education.
- Authored By: Rep. Greg Morris of the 156th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 433 - Appling County; Board of Commissioners; change description of districts

- BILL SUMMARY: A Bill to reapportion the Appling County Board of Commissioners.
- Authored By: Rep. Greg Morris of the 156th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 447 - Laurens County; Board of Commissioners; change description of districts

- BILL SUMMARY: A Bill to reapportion the Laurens County Board of Commissioners.
- Authored By: Rep. Matt Hatchett of the 150th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 457 - Hiram, City of; reincorporation, corporate boundaries, municipal powers, and exercise of powers; provide

- BILL SUMMARY: A Bill to provide a new charter for the City of Hiram.
- Authored By: Rep. Paulette Braddock of the 19th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 466 - Cornelia, City of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the City of Cornelia.
- Authored By: Rep. Terry Rogers of the 10th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 467 - Danville, Town of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the Town of Danville.
- Authored By: Rep. James Epps of the 144th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 479 - Forsyth County; Board of Education; change compensation of chairperson and members

- BILL SUMMARY: A Bill to provide compensation and expense reimbursement for the members of the Forsyth County Board of Education.
- Authored By: Rep. Mike Dudgeon of the 25th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 484 - Monroe, City of; provide for jurisdiction of municipal court

- BILL SUMMARY: A Bill to provide for jurisdiction of the Municipal Court of the City of Monroe.
- Authored By: Rep. Bruce Williamson of the 115th
- Committee Action: Do Pass

Intragovernmental Coordination - Local

HB 485 - Soperton, City of; City Court; change salary of judge and solicitor

- BILL SUMMARY: A Bill to provide compensation for the judge and solicitor-general of the State Court of Treutlen County.
- Authored By: Rep. Matt Hatchett of the 150th
- Committee Action: Do Pass

Judiciary Non-Civil

HB 125 - Lawful presence; certain affidavit for persons under 18 years of age to be executed after attaining the age of 18; provide

- BILL SUMMARY: HB 125 makes some necessary updates to our Code dealing with immigration.

It adds to the definition of 'public benefit.' HB 125 clarifies the legislative intent from SB 529 in the 2006 session that postsecondary education is a public benefit as described in federal law. It also streamlines the citizenship verification process for government benefits by only requiring that verification be provided upon initial application for a government benefit or service.

Finally, HB 125 creates a new Code section to establish guidelines for the annual immigration compliance report which each agency and political subdivision is required to send to the Department of Audits and Accounts.

- Authored By: Rep. Dustin Hightower of the 68th
- Committee Action: Do Pass by Committee Substitute

Judiciary Non-Civil

HB 271 - Individual's criminal history record information; revise definitions

- BILL SUMMARY: HB 271 allows a court to restrict a felony charge that did not result in a conviction, if the individual was convicted of an unrelated misdemeanor (not a lesser included offense of the felony), and can demonstrate that the harm to the individual clearly outweighs the public's interest in the record being available.
- Authored By: Rep. Jay Neal of the 2nd
- Committee Action: Do Pass by Committee Substitute

Judiciary Non-Civil

HB 350 - Group-care facility operators; persons otherwise issued licenses as provided by law; provide exceptions

- BILL SUMMARY: HB 350 subjects all day care employees to national and state fingerprint checks. Current law only requires day care directors to be subject to national fingerprint checks and exempts employees altogether.
- **Authored By:** Rep. Allen Peake of the 141st
- Committee Action: Do Pass by Committee Substitute

Juvenile Justice

HB 369 - Juvenile court; termination of parental rights under certain circumstances; provide

- BILL SUMMARY: HB 369 amends the Code relating to how parental rights may be lost.

The bill adds a provision that parental rights may be lost in a superior court order terminating the parental rights in an adoption proceeding. It may also be lost in a domestic relations proceeding if the legal father of the child is not the biological father and the termination is in the best interest of the child.

- Authored By: Rep. Barry Fleming of the 121st
- Committee Action: Do Pass by Committee Substitute

Motor Vehicles

HB 104 - Special license plates; supporting the Appalachian Trail Conservancy; add

- BILL SUMMARY: HB 104 authorizes the creation of specialty license plates supporting the Appalachian Trail Conservancy and the Atlanta Braves. Ten dollars from the sale of each plate will go to the Appalachain Trail Conservancy and the Atlanta Braves Foundation respectively.
- Authored By: Rep. John Carson of the 46th
- Committee Action: Do Pass by Committee Substitute

Motor Vehicles

HB 323 - Motor vehicles; age for operation of certain commercial motor vehicle operators; modify

- BILL SUMMARY: HB 323 is the annual "housekeeping" bill for the Georgia Department of Public Safety (DPS). It codifies certain rules and regulations that had been adopted by DPS in order to be in compliance with federal law.
- Authored By: Rep. Alan Powell of the 32nd
- Committee Action: Do Pass by Committee Substitute

Motor Vehicles

HB 365 - Safety belts; definition of the term "passenger vehicle" to which the safety belt law applies; modify

- BILL SUMMARY: HB 365 changes from 10 passengers to 15 passengers as the number of passengers a vehicle is designed to carry for the purposes of requiring the use of a seat belt. It does not apply to 15 passenger vehicles that were not manufactured with seat belts prior to this bill becoming law.
- Authored By: Rep. Bill Hitchens of the 161st
- Committee Action: Do Pass by Committee Substitute

Motor Vehicles

HB 475 - Drivers' licenses; commissioner to enter into reciprocal agreements on behalf of Georgia for recognition of licenses issued by foreign territories; authorize

- BILL SUMMARY: HB 475 permits the Commissioner of Driver Services to enter into reciprocal agreements with other countries so that a holder of a valid driver's license in one country could obtain a license in the other without having to be tested. In Georgia, a foreign national would still have to prove lawful presence.
- Authored By: Rep. B.J. Pak of the 108th
- Committee Action: Do Pass

Regulated Industries

HB 124 - Local elections; votes cast for disapproval of Sunday alcohol sales by retailers shall not nullify prior election results; provide

- BILL SUMMARY: House bill 124 relates to the local authorization and regulation of sales of alcoholic beverages on Sundays by upholding past electoral decisions. The legislation states that if more than one-half the votes cast on the question of Sunday package sales were against the matter, their rejection will not nullify the prior election results allowing retailers of malt beverages and wine to allow the sales of said beverages on Sundays between the hours of 12:30 P.M. and 11:30 P.M. The legislation defines a "retail package liquor store" as a retail business establishment owned by an individual, partnership, corporation, association, or other business entity primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises which derives at least 75% of its total annual gross sales from a combination of these beverages.
- Authored By: Rep. Brett Harrell of the 106th
- Committee Action: Do Pass by Committee Substitute

Retirement

HB 343 - Retirement and pensions; update certain cross-references to Chapter 11 of Title 15

- BILL SUMMARY: This bill updates language under Chapter 2 of Title 47 of the Official Code of Georgia, relating to the Employees' Retirement System of Georgia. This bill revises language that is cross-referenced to proposed revisions in HB 242, which enacts comprehensive juvenile justice reform. This bill would become effective on July 1, 2013 unless HB 242 does not pass, and this legislation would be repealed. This is a nonfiscal retirement bill.

- **Authored By:** Rep. Wendell Willard of the 51st

- Committee Action: Do Pass

Retirement

HB 345 - Teachers Retirement System of Georgia; clarify and consolidate the definitions of the term "teacher"

- BILL SUMMARY: This bill consolidates and clarifies the definition of a "teacher" under Chapter 3 of Title 47 of the Official Code of Georgia, relating to the Teachers' Retirement System of Georgia. This is a nonfiscal retirement bill.
- Authored By: Rep. Tommy Benton of the 31st
- Committee Action: Do Pass

State Planning & Community Affairs

HB 409 - Local governments; adopting certain regulations pertaining to animals; prohibit

- BILL SUMMARY: HB 409 adds a new section to the Georgia Code which prohibits local, municipality, and county governments, except when allowed by state or federal law, from requiring animals to be spayed or neutered or requiring a higher license,

	registration, or ownership fee or tax for animals which are not spayed or neutered. The bill prohibits local governments for restricting dogs used in hunting, field trials, shows, or disability services from ownership, breeding, transfer, sale, purchase tethering, training, or transportation. Also local governments are prevented from banning ownership or sale of specific broof dog or cat.	
	The bill also amends the language of another Code section to reflect this change. - Authored By: Rep. David Knight of the 130th - Committee Action: Do Pass	
*	Bills passing committees are reported to the Clerk's Office, and are then placed on the General Calendar.	

COMMITTEE MEETING SCHEDULE

Thursday, February 28, 2013		
TBD	Floor Session (LD26)	HOUSE CHAMBER (10:00AM)
8:00 AM - 9:00 AM	NATURAL RESOURCES & ENVIRONMENT	606 CLOB
8:30 AM - 10:00 AM	Banks and Banking Subcommittee	133 CAP
9:00 AM - 10:00 AM	RULES	341 CAP
1:00 PM - 2:00 PM	ECONOMIC DEVLEOPMENT & TOURISM	506 CLOB
2:00 PM - 3:00 PM	Tax Reform Subcommittee of Ways & Means	133 CAP
2:00 PM - 3:00 PM	DEFENSE & VETERANS AFFAIRS	415 CLOB
2:00 PM - 4:00 PM	BANKS & BANKING	406 CLOB
2:00 PM - 4:00 PM	TRANSPORTATION	506 CLOB
2:00 PM - 4:00 PM	JUDICIARY CIVIL	132 CAP
2:00 PM - 2:30 PM	<u>Driver Safety Subcommittee of Motor Vehicles</u>	606 CLOB
2:30 PM - 3:00 PM	Tags & Title Subcommittee of Motor Vehicles	606 CLOB
3:00 PM - 4:00 PM	REGULATED INDUSTRIES	415 CLOB
3:00 PM - 5:00 PM	WAYS & MEANS	606 CLOB
3:00 PM - 4:00 PM	<u>INTRAGOVERNMENTAL COORDINATION</u>	403 CAP
4:00 PM - 5:00 PM	ENERGY, UTILITIES & TELECOMMUNICATIONS	415 CLOB
4:00 PM - 5:00 PM	Atwood Subcommittee of Juvenile Justice	406 CLOB
4:00 PM - 5:00 PM	GOVERNMENTAL AFFAIRS	506 CLOB

^{*} This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule please visit www.house.ga.gov and click on Meetings Calendar.